

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION,

Plaintiff,

-against-

JOHN W. HIGGINS, MARTHA R. HIGGINS, and the  
UNITED STATES OF AMERICA,

Defendants.

**NOTICE OF MOTION**

Case No. 1:23-cv-01112 (RJJ)(SJB)

Hon. Robert J. Jonker

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UNITED STATES OF AMERICA,

Counterclaim/Crossclaim Plaintiff,

-against-

JOHN W. HIGGINS, MARTHA R. HIGGINS,

Crossclaim Defendants,

and

JPMORGAN CHASE BANK, N.A., and TREASURER,  
BERRIEN CO., MICHIGAN,

Counterclaim Defendants.

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**PLEASE TAKE NOTICE** that upon all the pleadings and proceedings heretofore had herein, and Counterclaim-Defendant Berrien County Treasurer's Memorandum of Law in Support of Her Motion to Dismiss, dated December 18, 2023, the Berrien County Treasurer moves this Court before the Honorable Robert J. Jonker, United States District Judge, Western District of New York, at the Courthouse thereof, 699 Federal Building, Grand Rapids, MI, for an order dismissing the action as against the Berrien County Treasurer pursuant to Fed. R. Civ. P. 12(b)(6)

and 14(a)(2)(A) on the grounds that the “Counterclaim” filed by the United States of America against the Berrien County Treasurer fails to state a claim upon which relief can be granted.

Dated: St. Joseph, Michigan  
December 18, 2023

/s/ Thaddeus J. Hackworth  
Thaddeus J. Hackworth (P84996)  
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